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21368

[2345/115]

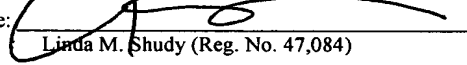
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Siegfried Wilhelm et al.  
Serial No. : 09/485,408  
Filed : February 7, 2000  
For : TRANSCODER FOR DECODING ENCODED TV PROGRAMS  
Art Unit : 2136  
Examiner : Sara E. Bowes

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: March 7, 2005

Signature:   
Linda M. Shudy (Reg. No. 47,084)

TRANSMITTAL OF RESPONSE AND REQUEST TO EXTEND

SIR:

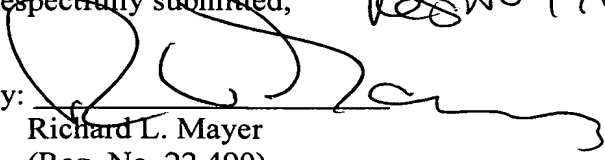
Transmitted herewith for filing in the above-identified patent application is a Response to a second Notice of Noncompliance. **The first Notice of Noncompliance was incomplete and did not identify what was not in compliance.** The second Notice of Noncompliance was not sent until more than one month later (unnecessarily provoking additional extension fees), and is dated February 23, 2005.

Applicants respectfully submit that the 30 days should begin anew from the actual complete Notice of Noncompliance dated February 23, 2005. And, thus, Applicants should not have any fee to submit.

However, in the event the Patent Office disagrees with Applicants' equitable solution, Applicants hereby make a Request under 37 C.F.R. § 1.136(a) to extend the response date by two additional months from January 5, 2005 to March 7, 2005 (since March 5, 2005 is a Saturday). And, the Commissioner is authorized to charge the difference in extension fees of \$1590 - \$450 = **\$1140** to Deposit Account No. 11-0600.

The Commissioner is also authorized, as appropriate and/or necessary, to charge any additional fees (including any Rule 136(a) extension fees) or credit any overpayment to Deposit Account No. **11-0600**. A duplicate copy of this transmittal letter is enclosed for that purpose.

Respectfully submitted,

By:   
Richard L. Mayer  
(Reg. No. 22,490)

Dated: March 7, 2005

CUSTOMER NO. 26646

KENYON & KENYON  
One Broadway  
New York, New York 10004  
(212) 425-7200

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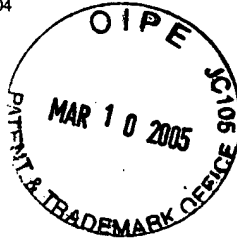
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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/485,408	02/07/2000	SIEGFRIED WILHELM	2345/115	1878

26646 7590 10/05/2004

KENYON & KENYON  
ONE BROADWAY  
NEW YORK, NY 10004



EXAMINER

ARANI, TAGHI T

ART UNIT PAPER NUMBER

2131

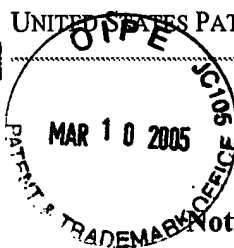
DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

*See Attachment.*



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## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on \_\_\_\_\_ is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and **this ONE MONTH time limit is not extendable.**

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection,** and is not affected by the non-compliant status of the amendment.

Brian J. Hilliard  
Legal Instruments Examiner (LIE)

703-305-9614  
Telephone No.

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**Title: TRANSCODER FOR DECODING ENCODED TV PROGRAMS Matter: 115 Client: 02345**  
**Application No: 09/485408 (P32671 USW 0 11003)**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/485,408	02/07/2000	SIEGFRIED WILHELM	2345/115	1878

26646 7590 02/23/2005

KENYON & KENYON  
ONE BROADWAY  
NEW YORK, NY 10004



EXAMINER

ARANI, TAGHI T

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 02/23/2005

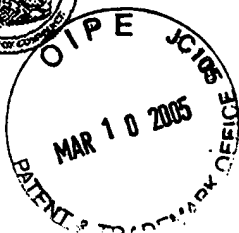
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**Failure to Acceptably Respond to  
Notice of Non-Compliant Amendment (37 CFR 1.121)  
No New Time Period for Reply is Provided**

The amendment document filed on 1-10-2005 fails to provide the corrective action required by the prior Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on 10-5-2004. The amendment, including both the originally filed amendment and the amendment filed in response to the prior notice, is still considered to be non-compliant under 37 CFR 1.121. In order for the amendment document to be compliant, correction of the item(s) listed below is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

**The period for reply continues to run from the mailing date of the prior Notice of Non-Compliant Amendment.** The corrections listed below must be timely filed to avoid abandonment of the application. No new time period for reply is provided in this communication. See the Manual of Patent Examining Procedure (MPEP) § 714.03.

If the period for reply set forth in the prior Notice of Non-Compliant Amendment has expired, this application will become abandoned unless applicant: (1) corrects the deficiency, and (2) obtains an extension of time under 37 CFR 1.136(a). In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in the prior Notice of Non-Compliant Amendment (37 CFR 1.121).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
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  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: (Nonelected) is not a proper status identifier.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

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Supervisory Legal Instruments Examiner (SLIE)

*571 272 3586*  
Telephone No.

*John Verlene Sheen*



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**Title: TRANSCODER FOR DECODING ENCODED TV PROGRAMS Matter: 115 Client: 02345**  
**Application No: 09/485408 (P32671 USW 0 21185)**